

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, February 14, 2007

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, February 14, 2007, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Pons called the meeting to order. Present in addition to Mr. Pons were Commissioners Kafes, McBeth and Driscoll. Absent were Commissioners Young and Joseph. Mr. Hertzler arrived late. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, Zoning Administrator Rhodes, City Attorney Phillips and Secretary Scott.

MINUTES

Mrs. McBeth moved that the minutes of the January 17 regular meeting, the January 24 work session and the February 7, 2007 work session be approved. Mr. Kafes seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Driscoll

Nay: None

Absent: Hertzler, Young, Joseph

CONSENT AGENDA

Mr. Kafes moved and Mrs. McBeth seconded a motion to approve the case on the consent agenda, **PCR #06-034: A Williamsburg White House, 718 Jamestown Road – Addition**, subject to the infiltration trench being certified by a design professional prior to the final building inspection for the addition. The motion carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Driscoll

Nay: None

Absent: Hertzler, Young, Joseph

[Commissioner Hertzler arrived.]

PUBLIC HEARINGS

PCR #07-004: Amendment of the Zoning Ordinance by revising the General Business District B-3 to allow “Rooming facilities for exchange visitors” with a

special use permit (Sec. 21-354(17.02)). The Commission recommended denial of the amendment by a vote of 5-0.

PCR #07-005: Amendment of the Zoning Ordinance by revising the Museum Support District MS to allow “Rooming facilities for exchange visitors” with a special use permit (Sec. 21-434(5.1)). The Commission recommended denial of the amendment by a vote of 5-0.

PCR #07-006: Consideration of whether or not the Zoning regulations for “Rooming facilities for exchange visitors” (Sec. 21-681) should be revised to establish a limitation on the number of hotels or motels on individual streets that can be leased to exchange visitors. The Commission recommended that no quota be established at this time by a vote of 5-0.

Mr. Nester stated that the first three cases for public hearings are related and will be discussed simultaneously. Mr. Nester presented the cases and summarized the existing ordinance requirements that would apply to the B-3 and MS Districts:

- The regulations apply to “exchange visitors” only, as defined by the ordinance.
- Approval of a special use permit by City Council is required for the initial approval, but renewals would be approved by the Board of Zoning Appeals as a special exception.
- Permits for employer-owned facilities are for a maximum of five years.
- Permits for non employer-owned facilities are for a maximum of one year, and expire on December 31 of the year issued.
- An on-site supervisor is required 24 hours a day, and is responsible for maintaining order on the premises.
- The application shall include a floor plan and room dimensions.
- Each bedroom shall have 50 square feet of floor area per person, with a maximum occupancy limited to four persons.
- A separate bed is required for each exchange visitor.
- Internet access is required.
- An orientation session for exchange visitors conducted by the Williamsburg Police Department is required to be arranged by the operator of the facility.
- Copies of Form DS-2019, which verifies the status of the exchange visitor, is required to be retained on file by the operator, and is subject to inspection by the Zoning Administrator.
- A 5% fee, which is equivalent to the transient lodging tax, is required.

Mr. Nester said that adding the B-3 and MS Districts would create a consistent regulation that would apply to all of the commercial areas along the City’s entrance corridors. He noted that making these additional uses would require a special use permit with the review requirement on a case-by-case basis.

Regarding PCR #07-006, Mr. Nester said City Council has asked the Commission to consider whether or not limits on the number of hotels/motels that can lease rooms to exchange visitors should be imposed, similar to those for Bed and Breakfast establishments. He suggested it is too early to tell the merits of setting quotas, and that the program should be reevaluated at the end of the year to see whether or not additional restrictions are needed.

Chairman Pons opened the public hearing.

David Kranbuehl, 201 Harrison Street, lives about a half block off Richmond Road and is vice president of the West Williamsburg Heights Association, which covers both sides of Richmond Road up to Monticello Avenue. He stated that short of the flyover and the debate over the concept of building a dorm at the Southern Inn, this ranks right up there, at least as far as his neighborhood is concerned. People were ready to lynch someone over the Southern Inn issue and it was crystal clear from the largest crowd he'd ever seen addressing Reed that the plans for the Southern Inn had gone too far. He suggested it might be more appropriate to table PCR #07-004, -005 and -006; it's absolutely ridiculous to talk about allowing someone to do something when in a few months they won't be allowed to do it; it's a disaster in the making. No one has applied for anything and there is no reason not to put it on hold until the new plans are in place. He said he thinks the neighborhood is comfortable with something more like LB-2, even if it becomes more like the shopping center. The last thing they want is something like a student dorm.

Nanci Bond, 416 Suri Drive, congratulated Dr. Kranbuehl for his courage in speaking up. Mrs. Bond's comments were in regard to exchange visitors and included the following points:

- It is unreasonable to allow long-term habitation in motel & hotel rooms never designed or zoned for this use; they are too small and do not have kitchen facilities or on-site laundries. Also, is the bathroom and closet a part of the 50 square feet per person, per room?
- Has the impact of large numbers of young adults living in tight quarters in building after building been considered?
- Adjacent neighborhoods will have difficulty maintaining peace and tranquility with large numbers of young adults sharing a building with no recreation space, no private spaces and no immediate access to services or commodities.
- Property values in adjacent communities will decrease if the Capitol Landing Road corridor becomes a Dormitory Row.
- More and more current City residents will leave the City if neighboring communities and visitors to our City see and are affected by the changes.
- The proposed additional zones essentially add ALL City motels and hotels to this new purpose and the language doesn't preclude the construction of new buildings in these zones for this specific purpose.

- The 1998 Comprehensive Land Use Plan stated a goal of raising the proportion of owner-occupied homes to rentals. Allowing existing hotels and motels to be used as apartments undermines this sound rationale.

Mrs. Bond concluded her comments by saying more of an in-depth study needs to be conducted and suggested the Sharpe Program at the College of William and Mary be invited to review the matter.

Deborah Keane, 718 Jamestown Road, said she does not know where the people have been who say they don't know what's going on with this issue, and she would be disappointed to see the case tabled after the three years of discussion that has taken place. Before the Commission decides to table the request, they need to focus on what was planned and discussed for three years. Mrs. Keane added that there needs to be a limit to where government steps in with restrictions; these "exchange visitors" want to work and don't need room to study.

David Kranbuehl responded that although there has been three years of discussion regarding the Comprehensive Plan and the need for a higher percentage of permanent residents, the concept of exchange visitors has just recently come up. He suggested the Comprehensive Plan be implemented first.

Jim Kammert, 108 Richmond Hill Court, stated that he has been reading the Comprehensive Plan and feels it contains a lot of confusion. He said he has found it hard to read and understand in places. Regarding population, sometimes students are included in the count and sometimes not; are we growing or not? Assuming 2,000 of the 6,000 count of students don't have housing, the College of William and Mary is making their problem our problem; they are not housing an adequate number of students on campus. Mr. Kammert concluded his comments by saying he supports the previous speakers and believes more discussion is necessary.

David Bryhn, owner of the Rochambeau Motel on Capitol Landing Road, said that unfortunately, the City Council recently voted in the bed situation and square footage requirement; he added that his motel is a little over the 200 square feet per bedroom so that's no problem. He said they had taken the attitude that they were just going to sit here and listen today, "...but we have to figure out what's wrong with the City, and there's something definitely wrong, wrong, wrong". Mr. Bryhn said he feels like he's been caught in a spider web since he began this process and that he's been stung a number of times; now they've come in for the kill. The definition of visitor is to stay as a guest for a more or less extended temporary stay. We need to figure out who is a visitor here in town. He said that since business is so bad in town, especially for the lower end motels, they had chosen to help the City by housing exchange visitors. However, then the City imposed stipulations, stating that I have to change my bedding and comply with square footage requirements; then there was a message from the City stating that an inspector would be coming by the motel in a few days. The motel has been closed since October or November and this is the time of year he tears the motel rooms apart to make repairs and although the date given may be convenient for the City

inspectors, it is not convenient for him. He said he has never had an inspector come to his motel unless it's for something new on the property. When he was told the inspectors would be taking measurements of the rooms, he said he measured the rooms and even submitted a floor plan along with his application. He added that he doesn't see this is stated as a need on the application. What is wrong with the City is that visitors are not being treated as visitors; this is the wrong thing to do and he said he is appalled. We should be welcoming these exchange visitors with open arms. Mr. Bryhn noted that he houses these people all year, and has a good record. He said that Mr. Pons had admitted that he has been housing them for seven years.

There being no other comment the public hearing was closed.

Mr. Kafes said City Council has asked for comments from the Planning Commission on the three proposals, but more information is needed. He suggested the planning department conduct a survey of hotels/motels in town as to what they would like to have and what kind of limits, if any, should be imposed. There are also issues of public health and the concern of putting too many people in the same room; more information is needed from other jurisdictions. He added that the 30 day rule needs to be revisited; possibly modified to say if a facility is equipped for extended stays this should be allowed. Mr. Kafes stated that regarding PCR #07-004, he takes David Kranbuehl's point and agrees a decision should be deferred until the rezoning is accomplished; there does not seem to be a great urgency on this. Regarding PCR #07-005, he doubts Colonial Williamsburg would want this, and PCR #07-006, regarding the limits on numbers, he believes if limits are imposed, they need to be on the number of rooms rather than the number of motels/hotels; more study is needed.

Mr. Pons said he does not support the Zoning Ordinance amendments and the expansion into the B-3 and MS Districts. He said he doesn't even support it in the B-2 District and would go so far as to remove it from the B-2 District. He added that he sees the amendments as being extraordinarily "meddlesome". There are terms in the ordinance that can't be monitored or enforced. Mr. Pons stated that he has had employees stay at the hotel he manages, the Quarterpath Inn, for many years, and they sleep willingly in the same bed; however, they do have the option of paying more and having their own bed. He said that other than making sure that the hotel/motel conforms to the Uniform Statewide Building Code, we are only creating legislation we cannot enforce; we currently have legislation on the books that we don't enforce. Mr. Pons added that the Social Services Department has had a displaced mother and child at the Quarterpath Inn for more than 30 days, so we're even contributing to our own problem. He concluded by saying that he does not support expansion of the regulations into other districts and thinks that they should be removed from the B-2 District until ordinances can be created that make sense. He supported Mr. Kafes' suggestion for a survey of hoteliers.

Mrs. McBeth asked if there has been a request for the expansion into the B-3 and MS districts. She said that in slowing down the implementation process of the

Comprehensive Plan at City Council's direction, we're tabling a lot; we need to vote these down rather than table them.

Mr. Driscoll said he remembers many years ago when waiters were housed in facilities on Franklin Street. He said he's not in favor of adding foreign workers to these areas. Let market economics dictate. He don't see Mr. Bryhn letting his property run down. If room is too small, people won't stay there. The Planning Commission does not need to be in the business of saying how many beds or what square footage is required. Although there is no simple answer, he said he is not in favor of the expansion.

Mr. Hertzler said it seems like this is already happening. Maybe we need to have a "don't ask, don't tell" policy. It almost seems like an arbitrary requirement. What we care about is that compatible uses are side by side. We don't want the regulation of things happening in hotels spelling out to other visitors. He said he is inclined to strike the 30 day requirement. Mr. Hertzler then moved that Planning Commission recommend that **PCR #07-004 and PCR #07-005** be denied. Mrs. McBeth seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion to recommend denial:

Aye: Pons, Kafes, McBeth, Driscoll, Hertzler

Nay: None

Absent: Young, Joseph

Mrs. McBeth moved and Mr. Hertzler seconded the motion that the Planning Commission recommend to City Council that **PCR #07-006**, placing limitations on the number of hotels or motels on individual streets that can be leased to exchange visitors, not be imposed at this time.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Driscoll, Hertzler

Nay: None

Absent: Young, Joseph

A work session was scheduled for Wednesday, March 28 at 4:00 p.m. to discuss the 30 day limit on transient occupancy, the newly adopted regulations on exchange visitors, providing housing for employees of an individual hotel on-site, and regulations for extended stay visitors, and how other jurisdictions handle the problem.

PCR #07-007: Rezoning of portions of the public right-of-way at the intersection of Capitol Landing Road and Merrimac Trail from Corridor Business District B-2 to Single Family Dwelling District RS-1, Multifamily Dwelling District RM-2, Planned Development Residential PDR and Limited Business Corridor District LB-4. The Commission recommended approval by a vote of 5-0.

Mr. Nester said that although there is very little development potential for this public right-of-way, residents of the adjacent Brandywyne subdivision have expressed a preference for chances of development of the site to go from "slim to none" to "none to none". He recommended a proposal that would change the B-2 zoned portions of the public rights-of-way from B-2 to RS-1, RM-2, PDR and LB-4.

Chairman Pons opened the public hearing.

There being no comment the public hearing was closed.

Mr. Driscoll moved that Planning Commission recommend to City Council that the B-2 zoning for the public right-of-way at the Capitol Landing Road/Merrimac Trail intersection be changed to a combination of RS-1, PDR, RM-2 and LB -4 zoning. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Driscoll, Hertzler,
Nay: None
Absent: Young, Joseph

OPEN FORUM

Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment from the audience the Open Forum was closed.

SITE PLANS AND SUBDIVISIONS -- None

OLD BUSINESS

CIP: Five-Year Capital Improvement Program (FY08 to FY12).

Mr. Kafes moved that the letter from the Commission with comments to the City Manager regarding the CIP be approved with a minor change. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Driscoll, Hertzler
Nay: None
Absent: Young, Joseph

NEW BUSINESS -- None

OTHER

Quarterpath Crossing Shopping Center

Mrs. McBeth asked for more information regarding the requested rezoning at 1440 and 1450 Quarterpath Road. This request is scheduled for a public hearing at the next Planning Commission meeting on March 14. Mr. Nester responded that although there are no specific stores named or a site layout at this time, details will be reviewed through the site plan review and architectural review processes; most of the site will be in the district requiring architectural review. He noted the applicant is proposing a reduction in the required greenbelt buffer along Route 199, but this is separate from the rezoning and will be considered once the rezoning is approved. Mr. Nester continued saying the proposal is for a full array of goods and services in the 100,000 to 125,000 square feet of floor area in the center. Proffers were submitted with the rezoning request and will be discussed at the public hearing.

Mr. Kafes suggested input from the City's Economic Development Manager would be beneficial during review of the proposal and Mr. Nester said he would request ED Manager Michele DeWitt's presence.

City of Williamsburg's Web Site

Mr. Nester reminded the audience that all Planning Commission agenda packets with supporting information are now posted online the Friday before the Planning Commission meeting. This includes all memoranda and exhibits. Automatic notification of updates for meetings is available at the City's website: www.williamsburgva.gov, "Contact the City" & then "City Announcements". He noted that this is in addition to the same information at the reference desk at the Williamsburg Regional Library.

Work Session

In addition to the work session scheduled for March 28, Mr. Nester noted the next Comprehensive Plan Implementation Work Session will be scheduled when the Center City North proposals have been resolved by City Council. The next topic will be the Richmond Road and Penniman Road Mixed Use Areas (new LB-2 District).

INFORMATION ITEMS

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

There being no further business the meeting adjourned at 5:15 p.m.

Douglas Pons, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR MARCH 14, 2007

PCR #07-008: Amendment of the Zoning Ordinance, Downtown Business District B-1, to increase the residential density from 14 units/net acre by right to 8 units/net acre by right, and up to 22 dwelling units/net acre with a special use permit approved by City Council, with a maximum of 10 units allowed on an individual lot [Sec. 21-295(1)].

PCR #07-009: Rezoning of approximately 5.34 acres to Downtown Business District B-1 for the following properties that are designated by the 2006 Comprehensive Plan as Downtown Commercial land use:

- (A) 314 Prince George Street from Downtown Residential District RDT to Downtown Business District B-1.
- (B) 203 Armistead Avenue, 514 and 528-1 Scotland Street, and 218 and 220 North Boundary Street from Limited Business Downtown District LB-1 to Downtown Business District B-1.
- (C) 205, 215 and 227 Richmond Road; 196 Armistead Avenue; and 616 Prince George Street (the northwest corner of Richmond Road and Armistead Avenue) from Downtown Residential District RDT to Downtown Business District B-1.
- (D) 613 Scotland Street (Blayton Building) from Downtown Residential District RDT and Downtown Business District B-1 Conditional to Downtown Residential District RDT and Downtown Business District B-1. This property fronts on Scotland Street between the Blayton Building and the First Baptist Church parking lot.
- (E) 747 Scotland Street from Single Family Dwelling District RS-2 to Downtown Business District B-1. This property is a part of the Braxton Court Redevelopment Project.

PCR #07-010: Amendment of the Zoning Ordinance, Limited Business Downtown District LB-1, to increase the residential density from 8 dwelling units/net acre to up to 22 dwelling units/net acre with a special use permit approved by City Council, with a maximum of 10 dwelling units allowed on an individual lot [Secs. 21-250(1) and 21-254(1)].

PCR #07-011: Amendment of the Zoning Ordinance to extend the Downtown Parking District west from North Boundary Street to the Delly corner at Scotland Street and Richmond Road to allow the development of new businesses without requiring additional off-street parking (Sec. 21-710).

PCR #07-012: Amendment of the Zoning Ordinance, Downtown Residential District RDT, to require a transitional screening buffer when duplex and multifamily dwellings are adjacent to a lot in a single family PUD District [Sec. 21-242(5)].

PCR #07-013: Request of S.L. Nusbaum Realty Co. to rezone approximately 14.88 acres at 1450 and 1471 Quarterpath Road (northwest corner of Route 199 and Quarterpath Road) from RS-1 Single Family Dwelling District to ED Economic Development District Conditional (with proffers). This property is described as Williamsburg Tax Map Nos. 589-0A-00-003 and 589-01-00-004. This property is designated Economic Development land use by the 2006 Comprehensive Plan.

PCR #07-014: Amendment of the Zoning Ordinance, Economic Development District ED, by adding provisions allowing modifications to the vegetation and width of a required greenbelt adjacent to retail and other commercial use when such modifications are reasonably necessary to provide the visibility needed for these uses, and when such modifications preserve the landscaped and tree-lined character of the greenbelt street [Sec. 21-367(6)]. A special use permit, approved by City Council, would be required. These provisions are recommended by the 2006 Comprehensive Plan (Chapter 6 – Community Character).